

EXHIBIT 9

1 IN THE UNITED STATES DISTRICT COURT
2
3 - - - - - x

4 MARYLAND SHALL ISSUE, :
5 INC., et al., :
6 Plaintiffs, : Civil Action No.

7 v. : 16-cv-3311-MJG

8 LAWRENCE HOGAN, et :
9 al., :
10 Defendants. :

11 - - - - - x
12
13 CONFIDENTIAL INFORMATION REDACTED
14 Deposition of DEBORAH KAY MILLER
15 Baltimore, Maryland
16 Tuesday, February 27, 2018
17 1:27 p.m.
18
19
20 Job No.: 178304
21 Pages: 1 - 47
22 Reported By: Sandra A. Slater, RPR, CSR

Transcript of Deborah Kay Miller

Conducted on February 27, 2018

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1 Q So it's just you and your husband at the
2 house; is that correct?

3 A Correct.

4 Q And do you have a computer in the house?

5 A Yes.

6 Q Do you have internet access?

7 A Yes.

8 Q Do you have a credit or debit card?

9 A Yes.

10 Q Do you have a Maryland driver's license or
11 Maryland State ID?

12 A Yes.

13 Q Do you have access to a scanner?

14 A Yes.

15 Q Do you own any firearms?

16 A No, I do not.

17 Q Have you ever owned any firearms?

18 A No.

19 Q Have you ever rented any firearms?

20 A No.

21 Q Have you ever fired a handgun?

22 A Yes.

Transcript of Deborah Kay Miller

Conducted on February 27, 2018

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1 Q When was the first time you did that?

2 A I don't remember the date.

3 Q Approximate year?

4 A A few years ago.

5 Q More than 10?

6 A No.

7 Q So within the last 10 years was the first
8 time you fired a handgun?

9 A Yes.

10 Q And how many times, how many instances
11 have there been where you have fired a handgun?

12 A Just a few times.

13 Q Have you ever gone to a shooting range?

14 A Yes.

15 Q When was the first time you did that?

16 A I don't remember the date.

17 Q Was it within the last 10 years?

18 A Yes.

19 Q How many times would you estimate you've
20 been to a shooting range?

21 A I don't know exactly. I can just
22 approximate. Five or six times.

Transcript of Deborah Kay Miller

Conducted on February 27, 2018

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1 Q When was the most recent time to the best
2 of your recollection?

3 A To the best of my recollection, about a
4 year ago.

5 Q Have you always been to the same firing
6 range or have you gone to more than one?

7 A No, I've been to different ones.

8 Q All of them in Maryland?

9 A I went to one in Virginia also.

10 Q And when you go to the shooting range have
11 you gone by yourself or have you gone with other
12 people?

13 A No, gone with other people.

14 Q Who do you typically go with?

15 A With my husband.

16 Q Does he go to the firing range more often
17 than you?

18 A Yes.

19 Q How often would you say he goes?

20 A It depends on his work schedule.

21 Q More than once a week?

22 A Maybe every few months.

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Transcript of Deborah Kay Miller

Conducted on February 27, 2018

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1 Q When you've been to the shooting range
2 have you fired handguns or long guns or both?

3 A Handguns.

4 Q Have you ever fired a handgun outside of a
5 shooting range?

6 A No.

7 Q Have you ever taken any firearm safety
8 training?

9 A No, I have not.

10 Q Does your husband own any firearms?

11 A Yes.

12 Q How many?

13 A I don't know the exact number.

14 Q More than five?

15 A I don't know.

16 Q More than 10?

17 MR. HANSEL: Don't guess, just if you
18 know.

19 A I don't know.

20 Q Does he own handguns, long guns or both?

21 A Both.

22 Q Do you know if he has a Maryland Handgun

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1 Qualification License?

2 A Yes, he does.

3 Q How are the guns stored in the home?

4 MR. HANSEL: If you know.

5 THE WITNESS: Oh.

6 MR. HANSEL: I just said if you know.

7 Sorry.

8 THE WITNESS: I heard you say something.

9 Q That goes for every question I'm asking by
10 the way. I'm only asking you what you know.

11 A So they are locked.

12 Q Where are they locked?

13 A In a lock box.

14 Q In the Complaint that's filed in this case
15 which is -- I'll show it to you, it's been
16 previously marked. Before I get to that -- the
17 notice for your deposition is marked as Exhibit 14
18 and there's a copy of it there for you to see if
19 you need to, but I want to ask you about what was
20 previously marked as Exhibit 2 in Ms. Vizas'
21 deposition, and that's a copy of the Amended
22 Complaint filed in this case. And I have some

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Transcript of Deborah Kay Miller

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1 questions about some of the allegations in here.

2 Have you seen this before, Exhibit 14? Excuse me,
3 Exhibit 2?

4 A Yes.

5 Q On page 3, paragraph 12, there's an
6 allegation that says that you would like to
7 purchase a handgun for self defense, target
8 practice and other lawful purposes. Do you see
9 that?

10 A Yes.

11 Q Is that true?

12 A That is true.

13 Q When did you decide that you wanted to
14 purchase a handgun?

15 A It was last year.

16 Q 2017?

17 A Um-hum.

18 Q Is that yes?

19 A Yes.

20 Q And what prompted that decision, if
21 anything?

22 A Because I wanted to be able to defend

Transcript of Deborah Kay Miller

Conducted on February 27, 2018

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1 myself in my home.

2 Q All right. Your husband already has guns
3 in the house, correct?

4 A Yes.

5 Q Why did you feel you needed to have one
6 for yourself?

7 A Because of the new law, I was concerned
8 that if I used his gun it would be considered
9 receiving the handgun and that I could be
10 prosecuted.

11 Q And how did you find out about that part
12 of the law?

13 MR. HANSEL: Objection. Give me a second
14 to think about that. Go ahead. I stated an
15 objection but you can answer.

16 A Oh. I read the law.

17 Q Did you talk to anybody about the law?

18 A No, I read it for myself.

19 Q And you became concerned that the law
20 would not permit you to take possession of a
21 handgun that belonged to your husband?

22 A Yes, it was unclear.

Transcript of Deborah Kay Miller
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1 Q The allegation in the Complaint says that
2 you would like to purchase a handgun for self
3 defense, which you've just testified to. What
4 about target practice; is that correct, you also
5 want to use it for target practice?

6 A Yes.

7 Q And then it says other lawful purposes.
8 What are those?

9 A For anything that the law would allow for.

10 Q Can you think of anything specifically
11 sitting here right now other than target practice
12 and self defense that you would like to use it
13 for?

14 A No, nothing specifically.

15 Q What type of handgun do you want to
16 purchase?

17 A Something small that would fit in my hand.

18 Q What type of -- what brand, do you know?

19 A I haven't decided on a brand.

20 Q What about caliber, have you decided on
21 the caliber?

22 A No, I have not.

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Transcript of Deborah Kay Miller

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1 Q Have you ever shopped for handguns?

2 A I've looked at them, but that's about it.

3 Q Have you looked at them at a gun store or
4 on the internet?

5 A At a gun store.

6 Q Which gun store?

7 A I don't remember the name of it.

8 Q When did you visit the gun store to look
9 at the handguns?

10 A It was about a year ago.

11 Q And how much were you planning to spend on
12 this handgun?

13 A I don't know. I hadn't thought about the
14 price.

15 Q You have the financial wherewithal to
16 purchase a handgun?

17 A Yes.

18 Q Have you thought about a price range that
19 you're willing to spend?

20 A No, I have not.

21 Q Have you done any research to determine
22 what type of handgun would best suit your needs?

Transcript of Deborah Kay Miller
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1 A No.

2 Q What features do you believe a handgun
3 should have to best suit your needs?

4 A Just that it be small and not too heavy.

5 Q What type of handguns have you fired when
6 you've gone to the range?

7 A A Beretta.

8 Q Do you know what caliber that is?

9 A I don't.

10 Q Is that the only handgun that you've fired
11 at a range?

12 A Yes.

13 Q Does that belong to your husband?

14 A Yes.

15 Q How did you learn that you needed a
16 Handgun Qualification License to purchase a
17 handgun in Maryland?

18 A I read the law.

19 Q And how did the law come to your
20 attention?

21 A I heard about it on the news.

22 Q So that would have been what, 2013 that

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1 you learned about the law or was it at some other
2 time?

3 A It was some other time.

4 Q Before 2013?

5 A It was after 2013.

6 Q Do you remember the year?

7 A About a year ago.

8 Q 2017?

9 A Um-hum.

10 Q Is that yes?

11 A Yes.

12 Q What is your understanding of what you
13 would need to do to obtain a Handgun Qualification
14 License?

15 A I would need to take the training. I
16 would need to be fingerprinted.

17 Q Anything else?

18 A Not to my recollection. I don't have my
19 notes in front of me.

20 Q And what is your source of that
21 understanding? How did you come to the
22 understanding that you would need to take training

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Transcript of Deborah Kay Miller

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1 and become fingerprinted in order to get an HQL?

2 A I read the law that had the requirements.

3 Q Where did you access the law?

4 A On the computer.

5 Q On the internet?

6 A On the internet.

7 Q What is your understanding of how much it
8 would cost to obtain -- it would cost you to
9 obtain an HQL?

10 A I understand it would be several hundred
11 dollars with all the different fees.

12 Q What specific fees exist for the HQL that
13 you would have to pay?

14 A The fees for the training, the fees for
15 the fingerprinting.

16 Q How much is the fees for the training?

17 A I don't know exactly.

18 Q How much is the fee for the
19 fingerprinting?

20 A I think it was approximately \$70. I don't
21 know exactly.

22 Q Have you done any research to determine

Transcript of Deborah Kay Miller
Conducted on February 27, 2018

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1 how much it would cost to obtain an HQL?

2 A I've looked at it.

3 Q Where did you look?

4 A On the internet.

5 Q What website were you on?

6 A I'm not sure which website it was.

7 Q Are there any other fees that you believe
8 you would have to pay to get an HQL other than the
9 training and the fingerprinting?

10 A No, I don't think. I think that's all of
11 it, to the best of my recollection.

12 Q And what is your understanding of how much
13 time it would take to complete the training?

14 A The training would be about four hours.

15 Q And what is your understanding of how long
16 it would take you to be fingerprinted?

17 A I don't know how long it would take.

18 Q Have you done any research to determine
19 how long it would take?

20 A No.

21 Q Have you contacted any fingerprinting
22 facility to find out how long it would take?

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1 A No.

2 Q What are your hours at work?

3 A I generally work 10 to 6.

4 Q And where is the office located?

5 A It's in Columbia.

6 Q And is that Monday through Friday, 10 to
7 6?

8 A Yes.

9 Q So you don't work on weekends?

10 A No.

11 Q And do you get personal days at work?

12 A Yes.

13 Q And how many personal days do you get a
14 year?

15 A I don't know exactly.

16 Q Five approximately?

17 A It's a few weeks approximately.

18 Q Does that include vacation days?

19 A Yes.

20 Q So personal days and vacation days consist
21 of a few weeks per year?

22 A I don't know exactly.

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Conducted on February 27, 2018

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1 Q But approximately?

2 A Yeah, to the best of my recollection.

3 Q What is your understanding of how long it
4 would take you to obtain an HQL if you completed
5 the application?

6 A I don't know exactly how long it would
7 take.

8 Q Do you have an understanding of
9 approximately how long it would take?

10 A I'd have to estimate a few weeks.

11 Q And what's the basis of that estimate?

12 A To take the training, get the
13 fingerprinting and then you have the application
14 process. I don't know how long that takes.

15 Q So you don't know how long the application
16 process takes?

17 A No.

18 Q Have you ever hunted for food using a
19 handgun?

20 A No.

21 Q Do you have any plans to do that?

22 A No.

Transcript of Deborah Kay Miller
Conducted on February 27, 2018

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1 Q Have you ever been fingerprinted?

2 A Yes, for my job.

3 Q For your current job?

4 A Yes.

5 Q When was that done?

6 A In 2012.

7 Q And was that done at your work location or
8 did you have to go to some third party to do it?

9 A No, it was done at my work.

10 Q Have you conducted any research to
11 determine the nearest location where you could get
12 fingerprinted for an HQL?

13 A No.

14 Q Have you conducted any research to
15 determine the nearest location where you could get
16 the required live fire safety training for an HQL?

17 A No.

18 Q Have you ever begun an application for an
19 HQL but not completed it?

20 A No, I have not.

21 Q Have you ever had a background check run
22 to purchase a gun?

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Conducted on February 27, 2018

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1 A No, I have not.

2 Q Are you a member of any gun rights
3 organizations?

4 MR. HANSEL: Objection. Go ahead.

5 THE WITNESS: Go ahead?

6 MR. HANSEL: Yep. I'll be real clear when
7 you're not supposed to answer. I'm pretty good at
8 making myself known, so you'll be all right until
9 I let you know. Thank you.

10 A I am currently a member of Maryland Shall
11 Issue, MSI.

12 Q Any others?

13 A No.

14 Q How long have you been a member of MSI?

15 A Last year.

16 Q 2017?

17 A Yes.

18 Q Do you participate in any activities in
19 connection with your membership at MSI?

20 MR. HANSEL: Objection. Go ahead. Go
21 ahead.

22 A Oh. I attend some of the meetings.

Transcript of Deborah Kay Miller
Conducted on February 27, 2018

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1 Q Anything else?

2 A Not currently.

3 Q Is your husband a member of MSI?

4 A Yes.

5 Q Is he a member of any other gun rights
6 organizations?

7 MR. HANSEL: Objection. Go ahead.

8 A He's a member of the Berwyn Rod and Gun
9 Club.

10 Q Does that club have a shooting range?

11 A Yes.

12 Q Is that where he goes generally to target
13 practice?

14 A Yes.

15 Q Have you been to that range as well?

16 A Yes.

17 Q Are you aware of the identity of any
18 specific individual other than yourself who hunts
19 for food and is in need of a handgun but due to
20 the expense and inconvenience of the HQL
21 requirements have been deterred from purchasing a
22 handgun?

Transcript of Deborah Kay Miller
Conducted on February 27, 2018

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1 A No.

2 Q Are you aware of the identity of any
3 specific individual who lives in an urban area
4 with no access to Maryland State Police handgun
5 trainers or shooting ranges who has been deterred
6 from purchasing a handgun by the HQL live fire
7 requirement?

8 A No.

9 Q Are you aware of the identity of any
10 specific individual who lives in an area with no
11 access to Maryland State Police approved
12 fingerprint vendors and have been deterred from
13 purchasing a handgun by the fingerprint
14 requirement?

15 A No.

16 Q Are you aware of the identity of any
17 specific individuals who wish to purchase a
18 handgun but lack access to the internet and,
19 therefore, have been deterred from purchasing a
20 handgun by the HQL requirements?

21 A No.

22 Q Are you aware of the identity of any

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Conducted on February 27, 2018

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1 specific individuals who wish to purchase a
2 handgun but lack access to a scanner and,
3 therefore, have been deterred from purchasing a
4 handgun by the HQL requirements?

5 A No.

6 Q Are you aware of the identity of any
7 specific individuals who lack a credit card or
8 debit card and have, therefore, been deterred from
9 purchasing a handgun by the HQL requirements?

10 A No.

11 Q Are you aware of any -- of the identity of
12 any specific individuals who lack a fixed address
13 and wish to purchase a handgun but have been
14 deterred from purchasing a handgun by the HQL
15 requirements?

16 A No.

17 Q Are you aware of any individuals who lack
18 a Maryland State driver's license or Maryland
19 State identification card who wish to purchase a
20 handgun but who have been deterred by the HQL
21 requirements?

22 A No.

Transcript of Deborah Kay Miller

Conducted on February 27, 2018

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1 Q Can you describe for me the inconvenience
2 that has deterred you from obtaining an HQL?

3 A The training, the time for the training.
4 I have back issues so sitting still for four hours
5 would be a burden on me.

6 Q Anything else?

7 A Taking the time off work.

8 Q Anything else?

9 A No.

10 Q So it's not the cost?

11 A The cost is a burden but the important
12 thing is my back issues for the training.

13 Q So you have the financial wherewithal to
14 pay the fees that are required to get an HQL if
15 you want to, correct?

16 MR. HANSEL: Objection. Asked and
17 answered. Irrelevant. Go ahead. You can answer.

18 A It is a burden but it is -- I can do it.

19 Q And you said your understanding was that
20 the training would take approximately four hours,
21 correct?

22 A Yes.

Transcript of Deborah Kay Miller
Conducted on February 27, 2018

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1 Q All right. Do you know whether that would
2 need to be during the day or during the week or
3 whether you could do it on a Saturday or in the
4 evening?

5 A No, I don't.

6 Q So you don't know whether you would need
7 to take off time from work to complete the
8 training or not, correct?

9 A Correct.

10 Q And you said you have back issues. When
11 did those start?

12 A It started in around 2001.

13 Q And is it ongoing, you suffer from it
14 today?

15 A Yes.

16 Q And what specifically is the problem?

17 A I have the disc in my back.

18 Q What do you do at work, you have to sit at
19 a desk?

20 A Yes.

21 Q All day?

22 A I have to get up. When my back gets

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Transcript of Deborah Kay Miller

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1 uncomfortable, I get up.

2 Q But most of the time when you're at work
3 you are seated at a desk; is that correct?

4 A Yes.

5 Q Have you done any research to determine
6 whether during the training that's required to
7 obtain a HQL you would have the opportunity to get
8 up and move around?

9 A No, I haven't.

10 Q Have you made any inquiries of any
11 Maryland State Police approved firearm safety
12 trainers or instructors as to whether or not you
13 could get an accommodation for your back problems
14 if you took the training?

15 A No, I have not.

16 Q Did you have to submit to a background
17 check when you got your current job?

18 A Yes.

19 Q Do you need a handgun for your work?

20 A No.

21 Q Do you have any other physical
22 disabilities other than your back that affect your

Transcript of Deborah Kay Miller
Conducted on February 27, 2018

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1 ability to obtain an HQL or take the training
2 that's required to get an HQL?

3 A No.

4 Q Are you currently receiving treatment for
5 your back?

6 A Yes.

7 Q From who?

8 A I have a doctor.

9 Q What's the doctor's name?

10 A Dr. Bands.

11 Q B-a-n-z?

12 A No, B-a-n-d-s.

13 Q And where is his office?

14 A Down in Annapolis.

15 Q What type of doctor is he?

16 A He's an orthopaedic surgeon.

17 Q Have you had any verbal communications
18 with anybody at the Maryland State Police about
19 HQL requirements?

20 A No.

21 Q Have you had any communications with
22 anybody at Atlantic Guns?

1 A No.

2 Q Have you talked to anybody at MSI about
3 the HQL requirements?

4 A No.

5 Q Have you talked to any of the other
6 plaintiffs in this lawsuit?

7 A No.

8 Q Do you know John Matthew Clark?

9 A No.

10 Q Do you know Dana Hoffman?

11 A No.

12 Q Do you know Scott Miller?

13 A No.

14 Q So to the best of your recollection, you
15 have not talked to any of those folks?

16 A No.

17 Q Other than what you've already told us, is
18 there anything else that prompted you to decide
19 you wanted to purchase a handgun?

20 A Just the fact that I felt that if I needed
21 to protect myself in my home with my husband's gun
22 that I could be prosecuted.

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Transcript of Deborah Kay Miller

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1 Q You said you were confused by the receive
2 and receipt portion of the HQL law?

3 MR. HANSEL: Objection. She didn't say
4 that. She said it was ambiguous.

5 Q Did it confuse you?

6 A I felt it was vague.

7 Q What about it did you find to be vague?

8 A It just -- it didn't define what it meant
9 to receive.

10 Q And did you do any research into that
11 issue?

12 A No, I just read the law.

13 Q Are you aware of any Maryland State Police
14 guidance on that question?

15 A No.

16 (D. Miller Deposition Exhibit 15 was
17 marked for identification and retained by
18 counsel.)

19 Q Ms. Miller, let me ask you to look at
20 what's been marked as Exhibit 15. This is an
21 advisory from the Maryland State Police concerning
22 the interpretation of "received" in the HQL law.

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1 Have you seen this before?

2 A No, I haven't seen this.

3 MR. HANSEL: They issue a lot of
4 advisories. Just for the record, this is
5 LD-HQL-17-003 dated November 17th, 2017. I just
6 put it on the record because there's the issue of
7 a lot of advisories.

8 Q At the bottom you'll see where it says
9 therefore, an individual not otherwise prohibited
10 from owning or possessing regulated firearms is
11 not required to possess an active HQL in order to
12 borrow a regulated firearm from another individual
13 on a temporary basis. Do you see that?

14 A Yes.

15 Q In light of that do you still believe that
16 you have a need to purchase a handgun?

17 A Yes.

18 Q Why?

19 A After reading the law, I felt I could be
20 prosecuted.

21 Q All right. So even under this
22 interpretation, you feel you could still be

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1 prosecuted?

2 MR. HANSEL: Would you like to stipulate
3 that no one can be prosecuted?

4 MR. SCOTT: I'm not going to stipulate to
5 anything, Counsel, and the question remains
6 pending.

7 MR. HANSEL: I'll happily stipulate, if
8 you would like, and then that would solve the
9 issue.

10 MR. SCOTT: Can you read back the last
11 question, please?

12 (Pending question read.)

13 A Yes.

14 Q Have you had any surgery for your back?

15 A Yes.

16 Q How many times?

17 A Twice.

18 (D. Miller Deposition Exhibit 16 was
19 marked for identification and retained by
20 counsel.)

21 Q I've had marked as Exhibit 16 the Answers
22 to Interrogatories that we received from your

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1 this lawsuit?

2 A No, I decided it was important.

3 Q Is your husband a member -- yeah, I
4 already asked you that.

5 MR. SCOTT: Let's take a short break.

6 (A recess was taken.)

7 BY MR. SCOTT:

8 Q I just have a few more follow ups and we
9 will pretty much be done. I just want to go back
10 and clarify some of -- I have some follow-ups
11 about some of the answers you gave with respect to
12 shooting at the range. I think you said the last
13 time you shot at the range with your husband was
14 in 2017; is that right?

15 A Yes.

16 Q All right. And you used his Beretta at
17 the range, correct?

18 A Um-hum.

19 Q Yes?

20 A Yes.

21 Q All right. And was that after or before
22 you found out about the HQL requirement?